



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11128 of 2022

Vinnarasan

... Petitioner

Vs.

1. The Zonal Passport Officer,
Zonal Region,
O/o. The Zonal Passport Officer,
Madurai District.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Tuticorin District.
3. The Inspector of Police,
Kulasekarapatti Police Station,
Kulasekarapatti,
Tuticorin District.

... Respondents

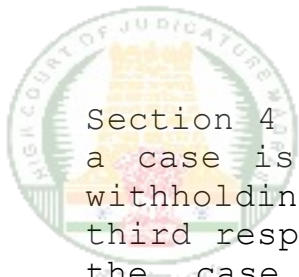
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to issue the passport to the petitioner on the application made before the respondents No.1 by considering the petitioner's representation dated 02.03.2022.

For Petitioner : Mr.S.M.S.Jinna
For Respondents : Mrs.L.Victoria Gowri,
Additional Solicitor General of India
for R1.
Mr.K.Balasubramani,
Spl. Government Pleader for R2 & R3

ORDER

Heard the learned counsel for the writ petitioner, learned Additional Solicitor General of India for the first respondent and the learned Special Government Pleader for the respondents 2 and 3.

2.The petitioner seeks issuance of passport. It is not in dispute that he was implicated in Crime No.260 of 2013 for the offences under Sections 294(b), 323, 324 and 506(i) of IPC and



Section 4 of Tamilnadu Prohibition of Harassment of Women Act. If a case is pending at the FIR stage, it cannot be a ground for withholding issuance of passport. But then, it is submitted by the third respondent that the case has already been charge sheeted and the case is pending on the file of the learned Judicial Magistrate, Tiruchedur in C.C.No.97 of 2016. Therefore, the petitioner has to necessarily move the jurisdictional Magistrate for permission. As and when such an application is filed, the jurisdictional Magistrate is directed to dispose of the same on merits and in accordance with law within a period of six weeks thereafter.

3. With this liberty to the petitioner and direction to the jurisdictional Court, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

ias

To:

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Tuticorin District.
2. The Inspector of Police,
Kulasekarapatti Police Station,
Kulasekarapatti,
Tuticorin District.

COPY TO :

THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

+1 CC to M/s.SPL.GP (SR-25176[F] dated 10/06/2022)

W.P(MD)No.11128 of 2022

09.06.2022

USK/20.06.2022/2P/5C